



Order Filed on May 9, 2019
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(a)

CULLEN AND DYKMAN LLP
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Counsel to Dianna Guadagnino

In Re:

DIANNA GUADAGNINO

Debtor.

Case No.: 17-12951(CM)

Chapter: 11

Judge: Honorable Christine M. Gravelle

AMENDED ORDER APPROVING POST PETITION FINANCING

The relief set forth on the following pages, numbered two (2) through three (3) is
ORDERED.

DATED: May 9, 2019

A handwritten signature in cursive script, reading "Christine M. Gravelle", written in black ink.

Honorable Christine M. Gravelle
United States Bankruptcy Judge

Debtor: DIANNA GUADAGNINO

Case No: 17-12951 (RG))

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Caption of Order: **AMENDED ORDER APPROVING POST PETITION FINANCING**

THIS MATTER having initially come before the court on the application of Dianne Guadagnino, the debtor in the above captioned matter (“Debtor”), through her counsel, Cullen and Dykman LLP, seeking the entry of an Order pursuant to Section 364 of the Bankruptcy Code approving Post-Petition Financing regarding the real property located at 287 Communipaw Avenue, Jersey City, New Jersey (“Communipaw Property”), expunging various judgment liens upon the Communipaw Property, and granting related relief (“Financing Motion”), it appearing that the proposed financing will refinance the existing first mortgage of M&T Bank upon the Communipaw Property, it appearing that the Financing Motion was approved by this Court’s Order dated February 13, 2019, (“Financing Order”), it appearing that Toby Mug Financing, LLC, the Debtor’s lender (“Toby”) has requested an amended Order in order to reflect Court approval of certain terms of the mortgage loan as disclosed in Toby’s financing commitment, dated October 22, 2018 and the amortization schedule annexed thereto (collectively, the “Commitment Letter”), including: (i) an increase in the loan amount by approximately \$40,000.00; (ii) approval of Toby’s receipt of 5.5 points annually, as reflected in the Commitment Letter; (iii) approval of the required minimum monthly payments of \$1,000.00, and (iv) the addition to the principal balance of the mortgage loan of the interest and points in excess of the minimum monthly interest only payments, and the accrual to the loan balance of any required points not actually paid by the Debtor prior to maturity of the loan as reflected in the amortization schedule annexed to the Financing Commitment and annexed hereto as Exhibit “A” (“Negative Amortization”), and (v) Negative Amortization arising from the above terms of the loan; and good and sufficient cause appearing for the entry of this order, it is hereby

Debtor: DIANNA GUADAGNINO
Case No: 17-12951 (RG))

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Caption of Order: **AMENDED ORDER APPROVING POST PETITION FINANCING**

ORDERED, the Debtor is authorized pursuant to Sections 364(c) of the Bankruptcy Code to obtain financing from Toby in the increased amount of up to \$490,000.00 for purposes of satisfying M&T Bank's first mortgage upon the Communipaw Property, and satisfying miscellaneous costs and counsel fees associated therewith; and it is further

ORDERED that Toby's foregoing financing shall provide for: (i) assessment of a charge of 5.5 points at the inception of the financing and annually throughout the term of the loan; (ii) minimum monthly payments of \$1,000.00, and (iii) the addition to the principal balance of the mortgage loan of the interest and points in excess of the monthly, minimum interest only payments pursuant to the annexed amortization schedule, and (iv) the maximum possible principal balance of the mortgage loan as a result of the Negative Amortization arising therefrom in the amount of \$640,943.94 as reflected upon the amortization schedule annexed hereto as Exhibit "A", and it is further

ORDERED, the Debtor is granted an additional twenty (20) days from the date hereof to close upon Toby's financing and fully satisfy M&T's mortgage upon the Communipaw Property, and it is further

ORDERED, if the Debtor does not fully satisfy M&T's mortgage within twenty (20) days of the entry hereof, M&T may submit a certification of default to the Court, on notice to the Debtor, with a proposed form of order granting M&T relief from the automatic stay, and it is further

ORDERED that all other provisions of the Financing Order will remain in effect except to the extent same are directly contradicted by the terms hereof, and it is further

ORDERED, that the Debtor will serve a copy of this Order by regular mail within five (5) days upon the United States Trustee, M&T Bank, Dianne Clemente, the City of Jersey City, Jai

Debtor: DIANNA GUADAGNINO

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Bajrangi Invest, LLC , Vivian Martinez, the New Jersey Division of Motor Vehicles, the New Jersey Division of Taxation, and all parties that have filed a notice of appearance in this matter.

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EXHIBIT A

2019 - 2022 Loan : 287 Communipaw Ave, Jersey City										13.5% Loan with monthly payments of \$1,000.
					(365 Day Basis) (After 10M)	Default Rate of 18%				
PAYMENT DATE	BEGINNING BALANCE	PRINCIPAL & INTEREST PAYMENT	INTEREST CHARGE	PRINCIPAL REPAY	10% LATE PENALTIES	ENDING BALANCE	Per annum Int. & Penalties	Avg Outstanding Monthly Balance	YEAR	
4/15/2019 (EST CLOSING DATE)										

Certificate of Notice Page 7 of 7
United States Bankruptcy Court
District of New Jersey

In re:
Dianna Guadagnino
Debtor

Case No. 17-12951-RG
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 2

Date Rcvd: May 09, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 11, 2019.

db +Dianna Guadagnino, 287 Communipaw Avenue, Jersey City, NJ 07304-4003
aty +Cullen and Dykman LLP, 433 Hackensack Avenue, Hackensack, NJ 07601-6319

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 11, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 9, 2019 at the address(es) listed below:

Anna Landa on behalf of Creditor Wells Fargo Bank, N.A., as Trustee for Carrington mortgage Loan Trust, Series 2006-FRE1 Asset-Backed Pass-Through Certificates cmartin@pralc.com, ecf6@ecf.courtdrive.com
David Edelberg on behalf of Debtor Dianna Guadagnino dedelberg@cullenanddykman.com, edelbergdr82964@notify.bestcase.com
David Gerardi on behalf of U.S. Trustee U.S. Trustee david.gerardi@usdoj.gov
Denise E. Carlon on behalf of Creditor BANK OF AMERICA, N.A. dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Eamonn O'Hagan on behalf of Creditor United States of America (Internal Revenue Service) eamonn.ohagan@usdoj.gov
Emmanuel J. Argentieri on behalf of Creditor M & T BANK, SUCCESSOR BY MERGER TO HUDSON CITY SAVINGS BANK bk@rgalegal.com
Lauren Rebecca Jacoby on behalf of Creditor Navient Solutions, LLC lrjacoby@jacobyllawonline.com
Melissa N. Licker on behalf of Creditor Specialized Loan Servicing, LLC NJ_ECF_Notices@mccalla.com
Nancy Isaacson on behalf of Creditor Liquidity Solutions nisaacson@greenbaumlaw.com
Nancy Isaacson on behalf of Transferee Liberty Park Commons, LLC nisaacson@greenbaumlaw.com
Nicholas Paul Edwards on behalf of Creditor Wells Fargo Bank, N.A., as Trustee for Carrington mortgage Loan Trust, Series 2006-FRE1 Asset-Backed Pass-Through Certificates nedwards@shp-law.com, amckenzie@huntonak.com; plozano@huntonak.com
Ramanjit K. Chawla on behalf of Creditor State Of New Jersey ramanjit.chawla@dol.lps.state.nj.us
Robert S. Roglieri on behalf of Creditor Donald V. Biase rroglieri@msbnj.com
Scott D. Sherman on behalf of Creditor Wells Fargo Bank, N.A., as Trustee for Carrington mortgage Loan Trust, Series 2006-FRE1 Asset-Backed Pass-Through Certificates ssherman@minionsherman.com
Shoshana Schiff on behalf of Creditor Donald V. Biase sschiff@msbnj.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov
William M.E. Powers on behalf of Creditor U.S. Bank National Association, as Trustee for MASTR Asset Backed Securities Trust 2006-AB1, Mortgage Pass-Through Certificates, Series 2006-AB1 ecf@powerskirn.com
William M.E. Powers, III on behalf of Creditor U.S. Bank National Association, as Trustee for MASTR Asset Backed Securities Trust 2006-AB1, Mortgage Pass-Through Certificates, Series 2006-AB1 ecf@powerskirn.com

TOTAL: 18